



MAYOR AND COUNCIL AGENDA

NO. 2

DEPT.: Police /
STAFF CONTACT: T. N. Treschuk

DATE PREPARED: September 13, 2005
FOR MEETING OF: September 26, 2005

SUBJECT: Discussion and Instruction on proposed parking restrictions within five feet of a curb edge, public or private driveway.

RECOMMENDATION: Discuss the results of the public hearing and instruct staff on further actions.

DISCUSSION: The proposed amendment to the City's parking restrictions is in response to complaints from citizens about parking too close to private driveways. Staff has reviewed the current provisions and the citizen concerns and has suggested that the City amend its Code to prohibit parking within five feet of a private or public driveway. Montgomery County already has such a provision in place and staff suggests considering similar language.

A public hearing on this proposed amendment modification was held on May 29, 2005. Eleven speakers expressed their viewpoints. Several residents expressed strong opposition to any change in the current parking laws and several expressed strong support for the change. One resident stated that after hearing both sides, there was strong merit for both arguments, and that we should study the impact on citizens before any implementation.

The public record was held open until June 6, 2005. Seven citizens wrote in, six in favor of the proposed amendment modification, and one opposed. The one opposed asked for more information, and once this was supplied, stated she was in favor of the proposed amendment modification.

For the time frame of June 1st through September 14, 2005, the City Police Department received twenty-one complaints about vehicles fully or partially blocking driveways of other citizens.

The impetus for this proposed amendment modification was citizen generated. The Police Department would enforce the parking too close to a private driveway based upon citizen-generated complaints. This would provide citizens with the option of allowing encroachment into the prohibited parking space.

Options Considered:

1. Reject the proposed amendment modification
2. Instruct staff to bring back for adoption, the ordinance as written with a five foot buffer on each side of a private or public driveway
3. Instruct staff to prepare an amendment to the proposed ordinance to provide for a three foot buffer on each side of a private or public driveway instead of a five foot buffer

Fiscal Impact: None

Change in Law or Policy: Proposed change to Chapter 23 of the Rockville City Code

Boards and Commissions Review: None

Next Steps:

PREPARED BY: T. N. Treschuk, Chief of Police

T. N. Treschuk 9/19/05

APPROVED BY: Scott Ullery, City Manager

Scott Ullery

DATE: 9/19/05

LIST OF ATTACHMENTS:

1. Proposed Ordinance
2. Memorandum to Scott Ullery dated 1/19/05

Ordinance No. _____

ORDINANCE:

To amend Chapter 23, "Traffic," of the Rockville City Code, Section 23-26 entitled "Stopping, standing, or parking prohibited in specified places" so as to prohibit on street parking within five feet of a public or private driveway

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF ROCKVILLE, that Chapter 23, "Traffic" of the Rockville City Code, Section 23-26 entitled "Stopping, standing, or parking prohibited in specified places" be amended to read as follows:

Sec. 23-26. Stopping, standing, or parking prohibited in specified places.

No person shall stop, stand or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic control device in any of the following places:

(1) On a sidewalk;

(2) [In front of a public driveway; in front of a private driveway, except with the consent of the owner or occupant of the premises] Within five (5) feet of any opening or entrance to any public or private driveway;

(3) In front of any opening or entrance to a public or private driveway, except that an owner or occupant may park in front of his or her private residential driveway;

[(3)] (4) Within an intersection;

[(4)] (5) Within fifteen (15) feet of a fire hydrant;

[(5)] (6) On a crosswalk, or within twenty (20) feet of a crosswalk at an intersection, except for the purpose of receiving or discharging passengers or merchandise;

[(6)] (7) Within thirty (30) feet of any beacon, stop sign, or traffic control signal located at the side of a roadway;

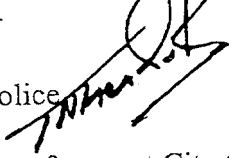


City of Rockville

MEMORANDUM

January 19, 2005

TO: Scott Ullery, City Manager

FROM: T. N. Treschuk, Chief of Police 

SUBJECT: Citizen's Request for review of current City Ordinances concerning parking near/by residential driveways.

Background:

A City resident came to Citizen's Forum to ask the Mayor and Council to review current City Code as it relates to on street parking near or by residential driveways. The Citizen lives on a small residential street in the Twinbrook area: (1013 Debeck Drive), and has had problems getting in and out of her driveway due to the parking of neighbor's vehicles close to the driveway curb lines.

Scope of Problem:

The Police Department sporadically receives complaints from residents about vehicles parking close to their driveways or actually infringing into the driveway. The Police Department responds to the location, and if there is an infringement, has the vehicle moved. If the vehicle is legally parked, the Police Officer or the Citizen will try to talk with the neighbor to see if they can park the vehicle a bit farther away from the driveway of concern.

The City Code on street parking near a driveway is simply that you cannot park as to block a driveway (attachment #1: City Ordinance 23-26, subsection 2) Interpretation of this ordinance has always been that you can legally park a vehicle on a city street up to the prolongation of the curb lines of the driveway.

The Montgomery County Code (Chapter 31, Section 31-39) prohibits parking within five (5) feet of any curb edge to a driveway on any county roadway (attachment #2: County Ordinance 31-19).

Mr. Marcus and Mr. Elshafei of the City Traffic and Transportation Division of the Department of Public Works have reviewed current City Code and are recommending that the City repeal the current code and replace it with the same code wording as in the County. (Attachment #3: Memorandum from City Traffic and Transportation Chief, Mr. Larry Marcus.)

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Considerations:

Changing of current law to allow for the five (5) foot buffer on each side of a driveway would be beneficial for many homeowners who live on older, narrower streets in Rockville in being able to exit and enter driveways without an issue. Most enforcement would be complaint-driven.

A strong educational component would be crucial in ensuring residents became aware of this change in parking rules prior to implementation.

Recommendation:

That the Mayor and Council direct City staff to prepare the appropriate paperwork to introduce a modification to City Ordinance 23-26, subsection 2 as follows:

The parking of vehicles at anytime on the public ways of the city in such a manner that any part of the vehicle so parked within five (5) feet of either curb edge or any existing opening or hereafter established entrance to any public or private driveways or shall overlap or obstruct any existing opening or hereafter established entrance to public or private driveway is prohibited, except, that an owner may obstruct his own private residence driveway.

Through introduction of this ordinance modification, a public hearing would allow interested citizens to voice their opinions and assist the Mayor and Council in their final decision.

TNT:mer

ATTACHMENT # 3



City of Rockville

MEMORANDUM

December 9, 2004

TO: Terry Treschuk, Chief of Police

FROM: Larry Marcus, Chief of Traffic & Transportation
Emad Elshafei, P.E., P.T.O.E., Civil Engineer II – Traffic & Transportation

SUBJECT: Driveway Clearance

The purpose of this memorandum is to confirm that the Traffic and Transportation Division is in favor of revising City code to mirror Montgomery County Code (Chapter 31, 31-19) in reference to obstructing entrance to public or private driveways: "The parking of vehicles at anytime on the public ways of the county in such a manner that any part of the vehicle so parked is within five (5) feet of either curb edge or any existing opening or hereafter established entrance to any public or private driveways or shall overlap or obstruct any existing opening or hereafter established entrance to any public or private driveway is prohibited, except, that an owner may obstruct his own private residence driveway."

The City often receives requests from residents to install "No Parking Any Time" signs on both sides of their driveways to allow safer maneuver and more adequate turning radius while they enter or exit their driveways. Very often vehicles park too close to driveways and create a safety hazard because they reduce the available sight distance and turning radius.

Since the City cannot, practically and economically, post such signs at every driveway, it is recommended to follow the footsteps of Montgomery County in this area. The County's code calls for a 5-foot clearance at each side of a driveway regardless of existence of parking restriction signs.

Cc: Hal Cranor, Director of Public Works